

his father guided the Wenatchee World to become one of the State's finest daily newspapers. Wilfred and his father were truly part of a legendary experience that has forever changed the political and economic landscape of north-central Washington. While the Woods family will be remembered most for their influence over the management of the Columbia River system, I will remember Wilfred as a true friend. During my years of touring Washington State for various political engagements and meetings, I always looked forward to my stop in Wilfred's newsroom and valued our countless conversations, whether we were in agreement or not. I will miss our exchange of ideas and his insights into the central Washington community. I wish him continued success in future endeavors.●

NEW MEXICO HISPANIC CULTURAL CENTER PERFORMING ARTS FACILITY

● Mr. CHAFEE. Mr. President, S. 1417, a bill to authorize the Secretary of the Interior to provide for the design, construction, furnishing, and equipping of

a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center, was introduced and passed the Senate on November 7, 1997.

Because the measure was considered and passed on the same day as its introduction, the Committee on Environment and Public Works was not referred S. 1417, and a report was not filed. Subsequent to the passage of the legislation, however, the Congressional Budget Office issued a cost estimate, as required under the Senate rules. Therefore, I ask that the letter from the Director of the Congressional Budget Office, dated November 17, 1997, be printed in the RECORD.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 1997.
Hon. FRANKLIN D. RAINES,
Director, Office of Management and Budget,
Washington, DC.

DEAR MR. RAINES: The Congressional Budget Office has prepared the enclosed cost estimate for the pay-as-you-go effects of S. 1417, the Hispanic Cultural Center Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them.

SUMMARY OF PAY-AS-YOU-GO EFFECTS

[In millions of dollars]

	By fiscal year									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in outlays	0	6	6	1	0	0	0	0	0	0
Change in receipts					Not Applicable					

The CBO staff contact for this estimate is Christina Hawley Sadoti. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.●

RADIO STATION MERGERS

● Mr. McCAIN. Mr. President, during the course of the last several months, the number of broadcast radio station transactions has increased due to the liberalized station ownership provisions contained in the Telecommunications Act of 1996. However, with this increase in transactions has come an increased concern that, in authorizing these assignments, the FCC may try to impose terms and conditions on the assignors or assignees neither contained in, nor intended by, the 1996 act.

Radio mergers must be permitted to go forward when they satisfy the requirements under the plain meaning of the statute. While the Senate is in adjournment, I expect the FCC to follow the law, not rewrite it, when they review radio station mergers.

Given the number of broadcast media outlets available today, traditional concerns about how mergers affect viewpoint diversity are greatly mitigated. This is especially true because, in addition to traditional broadcast media outlets, various multichannel video programming services and online services over the Internet, as well as nonbroadcast media outlets like magazines and newspapers, are available in today's market.

In light of these facts, Mr. President, the FCC should not block sensible radio mergers or approve them only with additional, unwarranted terms and conditions attached.●

JUDICIAL CONFIRMATIONS IN THE 105TH CONGRESS

● Mr. SARBANES. Mr. President, now that we have concluded the 1st session of the 105th Congress, I want to again focus the attention of the Senate and the American people on the glacial pace of Federal judicial confirmations during this session.

Mr. President, the reluctance of the Senate to confirm the President's nominees to the Federal bench is a carryover from the 2d session of the 104th Congress, during which the Republican-controlled Senate, in an unprecedented display of election-year inaction, confirmed only 17 district court nominees and no circuit court nominees.

This pattern of inaction has continued into the 105th Congress, during which the Senate has confirmed only 36 of the President's judicial nominees—7 circuit judges and 29 district court judges. Admittedly, there was some effort made in the waning days of the session to confirm judges, but the overall numbers remain highly disturbing and worthy of attention.

In the last 2 years, the Senate has confirmed 53 judicial nominees, while a total of 81 seats on the bench continue

The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

JUNE E. O'NEILL, Director.

CONGRESSIONAL BUDGET OFFICE

PAY-AS-YOU-GO ESTIMATE

S. 1417.—Hispanic Cultural Center Act of 1997

S. 1417, the Hispanic Cultural Center Act of 1997, would require the Secretary of the Interior to make a grant to the state of New Mexico to pay for one-half of the costs of the design, construction, furnishing and equipping of a Center for Performing Arts within the New Mexico Hispanic Cultural Center. Based on the amounts S. 1417 would count toward the state share, the federal share of these costs is estimated at about \$18 million. However some funds have been appropriated for this purpose for the 1998 fiscal year: \$2.5 million in the VA, HUD and Independent Agencies Appropriations Act and \$3 million in the Interior Appropriations Act. Because S. 1417 would not restrict this grant to the availability of appropriations, New Mexico would be entitled to receive the remaining costs even if no additional appropriations are made. Enactment of S. 1417 would therefore increase pay-as-you-go spending by about \$13 million between fiscal years 1999–2001, as shown in the following table.

to lie vacant, and 41 nominees await committee or floor consideration.

In other words, there are still more nominees pending in the Senate than were confirmed this year, and more than twice the number of nominees confirmed last year.

Compare the number of nominees confirmed thus far this year and in the 104th Congress to the number confirmed in the last two Democratically controlled Congresses, one of which featured a Republican President. In the 102d Congress, the Senate confirmed 124 Federal judges, while in the 103d Congress it confirmed 129 Federal judges. In the 104th Congress, the Republicans confirmed but 75 judges, while this year it confirmed 36. In other words, in the last 3 years, the Republican majority in the Senate has confirmed fewer Federal judges than the Democratically controlled Senate did in either the 102d or the 103d Congress.

I ask my colleagues to further compare the figures of the last 2 years with the number of judicial nominees confirmed by Democratically controlled Senates during years when a Republican White House faced a Democratic challenge—when, as in 1996, the party in control of the Senate had an incentive to delay confirmations, in the hopes that the Presidential election would effect a transfer of the White House to its party.

In 1992, when President Bush stood for reelection and the Democrats controlled the Senate, the Senate confirmed 11 circuit court judges and 55 district court judges. In other words, the Democratically controlled Senate in 1992 confirmed almost four times the number of Republican nominees confirmed by the Republican controlled Senate in 1996, and almost 25 percent more judges than the Republican Senate has confirmed in the last 2 years combined.

Similarly, in 1988, when Vice President Bush stood for election, the Democratically controlled Senate confirmed 7 circuit court judges and 33 district court judges—over twice the number of judges confirmed last year, and more judges than were confirmed in this past nonelection year.

Clearly, in the last couple of years, the politicization of the confirmation process has increased. Today, the Republican majority in the Senate is effectively bottling up nominees in committee and on the floor, in stark contrast to the behavior of Democratically controlled Senates over the last decade.

This politicization, Mr. President, has been extended to include the practice of denying nominees an up or down vote on the Senate floor, or even in the Judiciary Committee. If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served. Instead, however, the President's nominees are not even receiving that courtesy from this Senate: Some of the individuals whose nominations are pending before the Judiciary Committee or the full Senate have not been allowed a vote on the floor, much less in committee, for close to 2 years. It is especially troubling that of the 14 nominees who have been held up the longest by the Republican majority in the Senate, 12 are women or minorities.

Let me give one example of this phenomenon—that of James Beaty, the President's nominee to the Fourth Circuit Court of Appeals, which includes my State of Maryland.

Judge Beaty, currently a district court judge in North Carolina, was nominated by the President to the court of appeals in the 104th Congress, during which he did not even receive a vote in committee. He was renominated on January 7 of this year, and has yet to receive even a hearing in the committee, much less an up-or-down vote there, or on the floor.

Some have argued against Judge Beaty's nomination that, in their view, the fourth circuit does not need an additional judge, and that failure to confirm him would amount to a conservation of taxpayer resources. Assuming for the sake of argument that that is the case—and I would disagree that it is the case—Congress should act affirmatively to eliminate the vacant seat on that court before a nominee comes before it, not stall an individ-

ual's nomination into oblivion with arguments created after the fact. When you have a nominee sent to the Senate and then claims are made that the seat is unnecessary, it is simply impossible to divorce the claim that the seat is unnecessary from an ad hominem attack on the candidate himself.

Judge Beaty, if confirmed to the fourth circuit, would be the first African-American to sit on that court. Prior to becoming a district court judge, Judge Beaty maintained a general civil and criminal litigation practice in Winston-Salem, NC, and then served as a State court judge for 13 years. These accomplishments entitle him, at the very least, to an up-or-down vote on the floor of the U.S. Senate. Instead, he has not even received a committee hearing—much less a committee vote, at the hands of the majority.

By any measure, Mr. President, the Congress has become increasingly politicized in the last few years. I submit to my colleagues, however, that if there is one subject that should remain immune from political games and pressure it is our Federal judicial system, which is the envy of the world for its independence and integrity, and which is absolutely fundamental to our system of government.

It is essential for the maintenance of public confidence in this system that the confirmation process be as far removed from politics as possible. Yet we seem to be moving in the exact opposite direction, as we hear Members of the other party calling for impeachment of judges on the basis of decisions with which the Members disagree, and for defeat of judicial nominees deemed to possess liberal or activist tendencies.

This behavior—while perhaps politically advantageous in the short run—betrays a basic and dangerous misunderstanding of the role of the courts in our system of government.

Moreover, on a purely practical level, the Senate's failure to confirm the 42 nominees before it adjourns hamstringing the courts' ability to deal with its ever-increasing caseload—an increase that, I might add, Mr. President, is in large part due to the majority's proclivity for federalizing areas of law that have been historically left to the States.

So we have district judges throughout the country putting aside all civil cases in order to deal with their criminal dockets, because their courts have been left shorthanded by the Senate's inaction. We have courts of appeals canceling oral arguments because of shortages on their courts. We have Chief Justice Rehnquist—hardly the kind of liberal judicial activist that so concerns the majority—calling the problem of judicial vacancies the most pressing problem facing the Federal courts today. And yet we see little in the way of movement by the Senate to alleviate these burdens.

Mr. President, I hope my colleagues—especially my Republican colleagues—

will give serious attention to the problems, both practical and philosophical, that will result if the Senate does not revisit its approach to the judicial confirmation process, and that in this area, the second session of the 105th Congress will proceed in a markedly different manner than the last 2 years.

In closing, I would like to commend the efforts of my colleague from Vermont, Senator LEAHY, the ranking member of the Judiciary Committee, in this area. He has tried to jog the Senate into acting to resolve this problem: I regret that his calls for action have not been heeded thus far, though I hold out hope that common sense and respect for our constitutional system will prevail in the long run. ●

TRIBUTE TO DAVID EDELSTEIN AND THE JEWISH COMMUNITY COUNCIL OF PELHAM PARKWAY

● Mr. MOYNIHAN. Mr. President, the members of the Jewish Community Council of Pelham Parkway in the Bronx recently celebrated the 20th anniversary of David Edelstein's tenure as their executive director.

Twenty years ago the Bronx was a virtual, albeit not entirely appropriate, synonym for urban decay and middle-class flight. The Jewish Community Council of Pelham Parkway is one of the dynamic grassroots neighborhood groups that have helped bring about a dramatic change in this proud borough.

Much of the credit for the council's success belongs to its indefatigable executive director. David Edelstein came to the Jewish Community Council of Pelham Parkway on September 7, 1977. He helped establish the council's programs of social service, community development, Jewish cultural enrichment, and civic improvement. He pioneered the creation of programs that led to the reinvestment of over \$17 million in the neighborhood's multifamily housing stock and played a key role in the creation of programs that helped settle over 3,000 Soviet Jewish immigrants in the Pelham Parkway neighborhood. David's leadership has enabled the council to sponsor programs that assure the availability of Jewish education for all neighborhood youngsters.

David established relationships with New York City's major Jewish organizations, helping to assure that needy families in Pelham Parkway could be helped with the resources available from those agencies. The council distributes over \$25,000 in emergency and/or supplemental food to over 500 needy families every year. Hundreds of people have been helped with emergency home care, transportation for the homebound, eviction prevention, and other forms of emergency assistance.

David has helped the Jewish Community Council become the unified voice of the Jewish community in the Pelham Parkway neighborhood. Working with the council's active board of directors and maintaining relationships with the police, medical centers,